

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

LORI FRANCHINA,
Plaintiff,

v.

CITY OF PROVIDENCE,
Defendant.

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C.A. No. 21-342-JJM-LDA

ORDER

After prevailing at trial, the Plaintiff moves for an order awarding attorneys' fees and costs under 42 U.S.C. § 2000e-5(k), R.I. Gen. Laws § 28-5-24(a)(3), and Fed. R. Civ. P. 59(e) and 54(d)(2). The Plaintiff seeks \$127,300 in attorneys' fees and \$25,432.89 in costs for a total of \$152,732.89. ECF No. 77. The Defendants objects to portions of the request, and suggests a total of \$111,944.50 is more appropriate.

After a review of all the submissions and memoranda, the Court makes the following ruling as to each of the Defendant's objections.

1. Attorney Fees for John Martin

- a. *Reduction for clerical task*: the Court overrules the objection to a reduction in the hourly rate for the submission of 3 hours totaling \$2,880. The hours were spent reviewing discovery responses and outlining depositions—all are appropriate attorney tasks and therefore a reduction in rate is not called for.

- b. *Consultation with litigation expert*: the Court overrules the objection to the submission of 12 hours totaling \$2800. Conferring with an outside litigation expert concerning voir dire and opening statement are appropriate attorney tasks.
- c. *Additional prep after Court*: the Court overrules the objection to the submission of 3 hours totaling \$1800. After trial hours preparation is an appropriate attorney.

2. Attorney Michaela Weaver

- a. *Reduction for clerical task*: the Court sustains and overrules the objection to a reduction in the hourly rate for the submission of hours totaling \$5,985. Most of the hours were spent reviewing discovery responses and preparing for trial—all are appropriate attorney tasks. The only actions the Court found “clerical” subjecting them to a 40% reduction is 2 hours on 4/23/24; 4.5 hours on 4/4/25; and 2.5 hours on 4/5/24. For these 9 hours, the total is reduced by \$1260.
- b. *Additional prep after Court*: the Court overrules the objection to the submission of 3 hours totaling \$1800. After trial hours preparation is appropriate attorney.

3. Attorney David Cass

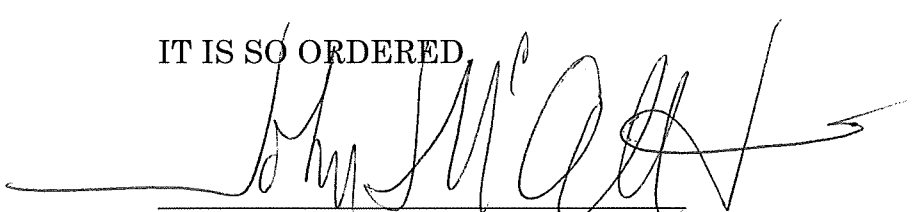
- a. *Reduction for local counsel*: the Court overrules the objection to Mr. Cass’ hourly rate. The Defendant asks the Court to reduce Mr. Cass’ rate to that of an associate attorney — from \$500/hour to \$350/hour.

The Court does not believe that reduction is appropriate in this case. Local counsel is the attorney responsible to the Court for the conduct of the pro hac attorneys and must stand ready to take over the trial at any time. Moreover, here, Mr. Cass was much more than a passive local counsel; the Court observed, and the record shows that he contributed regularly to the prosecution and trial of this case. He is entitled to his regular community rate of \$500.

- b. *Reduction for clerical task*: the Court sustains the objection to a reduction in the hourly rate for the submission of 1.5 hours totaling \$210.

Therefore, the Plaintiff's Motion for Attorneys' Fees and Costs is GRANTED as follows: The Court awards \$125,830 in attorneys' fees, \$25,432.89 in costs for a total award of \$151,262.89.

IT IS SO ORDERED



John J. McConnell, Jr.
Chief Judge
United States District Court

May 21, 2025